

# THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM PROPOSED RULE: OVERVIEW

## **BACKGROUND**

The Adoption and Foster Care Analysis and Reporting System (AFCARS) collects case-level information from state and tribal title IV-E (child welfare) agencies on all children in foster care and those who have been adopted with title IV-E agency involvement. AFCARS is the only data set that provides comprehensive national information on the demographic characteristics of adopted and foster children and their biological, foster and/or adoptive parents); the status of the foster care population (including the number of children in foster care, length and type of placement, availability for adoption and goals for ending or continuing foster care); and, the extent and nature of assistance provided by Federal, State and local adoption and foster care programs and the characteristics of the children to whom such assistance is provided. Title IV-E agencies are required to submit the AFCARS data twice a year based on two six-month reporting periods.

The proposed rule would provide the first update of AFCARS regulations since 1993. The AFCARS regulations need to be revised and updated to: 1) incorporate statutory requirements that have passed since 1993 (for example, the Fostering Connections legislation provided for extensive changes to the title IV-E program, including a Federal guardianship assistance program and the ability for Indian Tribes, Tribal organizations and consortiums to operate title IV-E programs directly.); 2) implement the statutory authority to assess penalties for noncompliant data submissions; and 3) enhance the type and quality of information title IV-E agencies report to the Children's Bureau (CB) by modifying and expanding data elements and requiring title IV-E agencies to submit historical data. This Notice of Proposed Rulemaking (NPRM) allows us to gather historical data and improve the data collected by including more comprehensive data on children in foster care and adding new data elements to better measure child welfare performance and outcomes of children and families.

We hope you find this overview helpful, but we intend this only to provide summary information on some of the NPRM's key points. For complete context and understanding, we encourage everyone to read the entire NPRM which was published in the Federal Register on February 9, 2015<sup>1</sup>. You can submit comments about the NPRM to <http://www.regulations.gov/> during the public comment period, which is open until April 10, 2015.

## **KEY PROVISIONS OF THE PROPOSED RULE**

The NPRM focuses on the following four areas to enhance comprehensive data collection: (1) revise the reporting populations; (2) revise the data structure; (3) revise data elements; and 4) strengthen data quality through compliance and penalties.

**1. REVISE THE REPORTING POPULATIONS:** We propose two reporting populations: the out-of-home care reporting population and the adoption and guardianship assistance reporting population. The out-of-home

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<sup>1</sup> <http://www.gpo.gov/fdsys/pkg/FR-2015-02-09/pdf/2015-02354.pdf>

care reporting population includes a child of any age who is in foster care or a child who has run away or whose whereabouts are unknown at the time the title IV-E agency becomes responsible for the child. Once the child enters the out of home care reporting population, he or she remains in the population until the title IV-E agency's responsibility for the child ends. This proposal is very similar to current AFCARS practice. The adoption and guardianship assistance reporting population includes any child who is in a finalized adoption under a title IV-E adoption assistance agreement and any child who is in a legal guardianship under a title IV-E guardianship assistance agreement. Agencies continue to report a child through the report period in which his or her title IV-E assistance agreement ends. This is a change from the current regulation in which a child is reported only in the reporting period during which the adoption was finalized.

**2. REVISE THE DATA STRUCTURE:** Title IV-E agencies will report AFCARS information in two separate data files: an out-of-home care data file and an adoption and guardianship assistance data file.

- For the out-of-home care data file, title IV-E agencies will report a combination of point-in-time information that's not likely to change (e.g., demographics) and historical information on the events in the child's life over time, including every time the child enters or exits foster care and every placement change. This will support longitudinal and cohort analysis of the data that will be useful for CB's monitoring and other efforts to analyze performance with respect to child and family outcomes.
- For the adoption and guardianship assistance data file, title IV-E agencies will report information that describes the circumstances of the child and adoptive parents or guardians at a single point-in-time in the report period. This information is not likely to change over time but will allow us for the first time to understand and describe the population of children receiving federal adoption and guardianship assistance benefits.

**3. REVISE DATA ELEMENTS:** In the NPRM, we propose to keep (and in some instances revise) the vast majority of data elements currently in AFCARS and add new data elements to enrich our analysis of a child's experience in foster care and a child's exit to adoption/guardianship, etc. We modify existing data elements on the child's placements, permanency plans, circumstances surrounding the child at removal, prior adoptions, and reasons for exiting foster care, among others. These modifications are necessary to clarify data element descriptions, capture historical information, incorporate statutory changes in federal child welfare programs, and conform to the new data structure. New data elements will allow us to better understand the characteristics of children in foster care and provide better context for their outcomes.

Some of these include:

- timely plans to transition out of foster care and the frequency of caseworker visits;
- the child's educational level, educational stability and involvement with special education; and
- domestic and intercountry adoptions and prior adoptions and guardianships.

**4. STRENGTHEN DATA QUALITY THROUGH COMPLIANCE AND PENALTIES:** The proposed rule will strengthen our ability to hold title IV-E agencies accountable for submitting quality data. A title IV-E agency must meet basic file standards, such as timely data file submissions and more specific data quality standards, such as 10 percent or less of errors. A title IV-E agency that does not meet the data quality standards upon initial submission of the data will have six months to correct and submit its data. If a title IV-E agency does not meet the standards after corrective action, CB will apply the penalties required in statute since 2003. Penalty amounts are one-sixth of one percent of the agency's title IV-E foster care administrative funds for initial noncompliance and one-fourth of one percent of such funds for continued noncompliance.